

37042  
SEA

SERVICE DATE – JUNE 13, 2006

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No. 266X)**

**Norfolk Southern Railway Company – Abandonment  
Exemption – in McDowell County, NC**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in McDowell County, North Carolina. The abandonment extends 3.5 miles between milepost SB 205.0 to milepost SB 208.5, near Marion, a city approximately 40 miles to the east of Asheville. NSR indicates that ten at-grade road crossings would be closed as a result of the abandonment. Land uses range from approximately 70 percent undeveloped, to 20 percent residential and 10 percent industrial/commercial. Based on information in the railroad's possession, the line does not contain any Federally granted rights-of-way. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF RAIL LINE**

NSR indicates that at one time, the line extended from Southeastern South Carolina to Marion, North Carolina where it joined the Asheville-Barber, North Carolina line. Most of this line has been abandoned, with the line segment adjacent to milepost SB 205-208.5 abandoned in 1985. Construction of the line began in 1885 by a predecessor railroad, the Charleston, Cincinnati, and Chicago Railroad Company. The line was opened for operations in 1890 by the Georgia and Carolina Midland Railway Company, which absorbed the Charleston, Cincinnati, and Chicago Railroad Company in 1887. Shortly thereafter, the railroad filed for bankruptcy. In 1893, the Ohio River and Charleston Railway Company became the new owner; however, in 1898, approximately 174 miles of track between Marion and Camden was sold under foreclosure. The South Carolina and Georgia Extension Railroad Company subsequently purchased the line and in 1902, consolidated operations with the Asheville and Spartanburg Railroad Company, the South Carolina and Georgia Railroad Company, and the Carolina Midland Railway Company to form the Southern Railway-Carolina Division. In December, 1990, the Southern Railroad Company changed its name to Norfolk Southern Railway Company and became a wholly-owned subsidiary of Norfolk Southern Railway Company. In 1996, the Southern Railway Company merged with the Norfolk Southern Railway Company in North and South Carolina. The merger consisted of 409 miles of railroad line, including the line segment near Marion.

## **ENVIRONMENTAL REVIEW**

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment.

### ***Diversion of Traffic***

According to NSR, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. If the proposed abandonment becomes effective, NSR would be able to salvage track, ties, and other railroad appurtenances, and dispose of the right-of-way.

The City of Marion submitted a letter to NSR stating that it will request a public use condition and an interim trails use negotiation condition in this proceeding. NSR has indicated that it would support such a condition, and states that it has not received any other inquiries about public use of the right-of-way for the line, and is not aware of any other potential uses to which the right-of-way may be suited. NSR further indicates that it is not aware of any title restrictions that would affect such a transfer.

---

<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-290 (Sub-No. 266X).

The Natural Resources Conservation Service (NRCS) commented that the proposed abandonment would not impact prime or unique farmland, or farmland of statewide significance.

The U.S. Army Corps of Engineers (ACOE) commented that the proposed action does not require any permits under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act because the railroad has indicated that there will be no discharge of fill material into the three unnamed tributaries to Young's Fork.

The U.S. Environmental Protection Agency commented that the proposed abandonment would not likely result in impacts to water quality under Section 402 of the Clean Water Act, but deferred final consultation to the North Carolina Department of Environment and Natural Resources (NCDENR). According to NCDENR, the State has jurisdiction over two of the three unnamed tributaries to Young's Fork, which based on their field survey, could adversely be impacted from salvage activities, particularly bridge demolition. As a control measure, the agency is requesting that NSR adhere to the ACOE guidelines for bridge demolition. NCDENR further requests that sediment and erosion control measures be in place prior to commencement of salvage operations, and that upon completion of salvage, all disturbed areas are stabilized to prevent sediment from entering surface waters. SEA is therefore recommending a condition requiring NSR to consult with NCDENR prior to commencement of salvage activities.

The National Geodetic Survey (NGS) commented that 16 geodetic survey markers may be located within the area of the proposed abandonment. Therefore, SEA is recommending a condition requiring NSR to coordinate with NGS at least 90 days prior to commencement of any salvage activities.

The U.S. Fish and Wildlife Service (USFWS) commented that the proposed abandonment is not expected to have an adverse impact on any Federally listed endangered or threatened species. Accordingly, USFWS states that the provisions of the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, and Section 7 of the Endangered Species Act have been fulfilled.

McDowell County does not lie within a designated coastal zone, therefore coastal zone consistency is not required.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

NSR contacted the National Park Service (NPS) to determine if the proposed abandonment would impact any state parks or forests, National parks or forests, or wildlife sanctuaries. To date, the NPS has not responded; however, based on a site investigation conducted by the railroad, it was determined that there would be no adverse impacts because the line does not pass through any of these resources. SEA has since added the NPS to the service list to ensure they receive a copy of this EA for review and comment.

## **HISTORIC REVIEW**

NSR submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the North Carolina Department of Cultural Resources (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified in 36 CFR 800.11(d), consists of NSR's historic report, all relevant correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the NSR's salvage activities, NSR shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and NSR to determine whether any mitigation measures are necessary.

SEA conducted a search of the National Park Service's Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Eastern Band of Cherokee Indians may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribe receives a copy of this EA for its review and comment.

## **CONDITIONS**

We recommend that the following conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Norfolk Southern Railway Company (NSR) shall consult with the North Carolina Department of the Environment and Natural Resources (NCDENR) to ensure that any concerns regarding applicable stormwater management and sediment control requirements are addressed. NSR shall report the results of its consultations in writing to the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) prior to the onset of salvage operations.
2. To ensure appropriate consideration of the National Pollutant Discharge Elimination System (NPDES) requirements, NSR shall consult with the NCDENR prior to the commencement of any salvage activities and shall comply with the reasonable NPDES requirements.
3. NSR shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.
4. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during NSR's salvage activities, NSR will immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and NSR to determine whether any mitigation measures are necessary.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the Environmental Impact Statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), and discontinuance of service without abandonment. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 266X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov)

Date made available to the public: June 13, 2006.

Comment due date: **June 28, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment